

Minutes of Special and Regular City Council Meeting of September 25, 2012  
One Twin Pines Lane  
**CALL TO ORDER 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Warden

COUNCILMEMBERS ABSENT: Lieberman, Braunstein

Staff Present: City Attorney Rennie, Police Chief DeSmidt, Community Development Director de Melo, Assistant Finance Director Lazzari, Public Works Director Oskoui, Fire Chief Fry, Police Chief DeSmidt, Police Lieutenant Halleran, Parks and Recreation Director Gervais, Human Resources Director Dino, Chief Building Official Nolfi, Interim Information Services Manager Eggers, City Clerk Cook

**PLEDGE OF ALLEGIANCE**

Led by City Manager Scoles

**SPECIAL PRESENTATIONS**

**Presentation from Belmont Community Players (Melodrama)**

Cast members from the Belmont Community Players Melodrama announced their upcoming show and outlined the performance dates.

**Recognition of National Night Out Events**

Police Chief DeSmidt stated that there were eight events held in Belmont for this year's National Night Out. He noted that this event provides a foundation for relationships in the community. He provided certificates of acknowledgement to the leaders of each of the events. He thanked staff for their participation.

**Presentation from Sam Trans Regarding their Draft Service Plan**

**Christine Dunn**, SamTrans Public Information Officer, explained that Sam Trans is seeking feedback on its Draft Service Plan. She noted that the demographics of San Mateo County have changed and the County has experienced a population growth. She clarified that the purpose of the plan is to provide more effective and streamlined service to increase ridership, which has been trending downward. She explained that some routes are not working and will likely be eliminated. She described the outreach process that is being used for feedback, and noted upcoming meetings with the Sam Trans Board.

Ms. Dunn described the performance of some of the bus routes, and she outlined strategies that will improve service, modify routes, discontinue services that are no longer effective, and initiate new routes.

Councilmember Wozniak expressed concern regarding the potential elimination of Saturday service. She noted that Sam Trans provides the only east/west public transit route for the City of Belmont. She noted that ridership will go down if service is reduced or eliminated, and explained that the same situation has taken place with regard to Caltrain's reduction of service in Belmont.

Mayor Warden expressed concern that the Redwood Shores neighborhood will be missed in the outreach process, and he recommended that Sam Trans make use of the newsletter published in that neighborhood.

### **Presentation from Save the Music**

**Alan Sarver**, Chair, Save the Music, provided an overview of the activities that will take place at Save the Music's tenth annual Festival on October 14<sup>th</sup>.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Patricia Lindberg**, Belmont resident, requested that the City Council consider a resolution discouraging the use of rodent poisons. She described their negative effect on other animals, and noted that non-poison alternatives are available.

**Perry Kennan**, Belmont resident, expressed concerns regarding unfunded pension costs. He stated that taxpayers need to understand the consequences in keeping these costs unfunded. He noted that risk management needs to address this issue.

### **CONSENT CALENDAR**

City Attorney Rennie read aloud the title of the Ordinance Amending City Code Chapter 5

**Acceptance of** Update and Self-Evaluation of the Americans with Disabilities Act Title II for Fiscal Year 2011-2012

**Adoption of** Ordinance 1066 of the City Council Amending Belmont City Code Chapter 5 (Animals and Fowl), Article I (In General), Section 5-24 (Schedule of Fees and Charges)

**Approval of** Response to Grand Jury Report Regarding Law Enforcement Dispatch Centers in San Mateo County

**Approval of** Resolution 2012-096 of the City Council Amending the City's Conflict of Interest Code to Include the Successor Agency to the Dissolved Redevelopment Agency, the Oversight Board of the Successor Agency, the Belmont Fire Protection District, and Other Updates

**Approval of** Resolution 2012-097 of the City Council Authorizing a Public Project Contract for Remodeling at the Barrett Community Center in an Amount Not to Exceed \$13,435

**Approval of** Resolution 2012-098 of the City Council Approving Specifications, Authorization to Advertise and Award a Purchase Contract to the Lowest Responsible Bidder for the Acquisition and Outfitting of a New Chevrolet Impala Fire Command Vehicle for an Amount not to Exceed \$35,000

**Approval of** Resolution 2012-099 of the City Council Authorizing the City Manager to Execute a Construction Contract for the 2012 Belmont Creek Dredging Project for an Amount not to Exceed \$12,000

**Approval of** Resolution 2012-100 of the City Council Authorizing the Purchase of an External Backup Device (Including Hardware, Software and Installation and Support Services) From Dell Marketing in an Amount not to Exceed \$14,800

**Approval of** Resolution 2012-101 of the City Council Authorizing the Purchase of Legal Services from the Law Firm of Sabine and Morrison at Specified Rates

**Approval of** Resolution 2012-102 of the City Council Authorizing a Professional Services Agreement Amendment #3 with Maze & Associates to Perform the Due Diligence Review as Required by AB 1484

**Approval of** Resolution 2012-103 of the City Council Authorizing a Professional Service Agreement (PSA) with RCC Consultants, Inc. for an amount not to exceed \$7,765 to evaluate the Sprint/Nextel Proposal to Modify a Wireless Telecommunications Facility at 2520 De Koven Avenue (Applicant Funded Study)

**Approval of** Resolution 2012-104 of the City Council Authorizing a Service Agreement (PSA) with Lamphier-Gregory, Environmental Consultants for an amount not to exceed \$29,500 for Environmental Review Services for Clear Channel Digital Electronic Billboard Project at the Belmont Sports Complex at 550 Island Parkway (Applicant Funded Study)

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, the Consent Agenda was unanimously approved by a show of hands (3-0, Braunstein, Lieberman absent).

## **HEARINGS**

### **Public Hearing to Consider and Amendment to the Zoning Ordinance: Section 23.09.04(c) - Belmont Sign Ordinance – Temporary Signs – Real Estate Directional & Open House Signs**

Community Development Director de Melo stated that the City Council had its one-year review of this ordinance in March of this year and gave direction to make minor modifications related to real estate signs. He explained that such modifications required Planning Commission approval and recommendation, and that the City Council has ultimate authority over any changes to the ordinance. He noted that the request was to increase the number of open house signs from three to four, and to increase the size from three to four square feet. He clarified that the Planning Commission recommended approval of the change of size but not in the number of signs.

Community Development Director de Melo stated that the real estate community is requesting an exception to be able to place signs in the unimproved right-of-way. He explained that if Council allows these signs, any temporary signs could be placed there, not just the real estate signs.

Community Development Director de Melo clarified that the only finding that needs to be made for this ordinance is that it achieves the goals and objectives of the General Plan.

**RECESS: 8:33 P.M.**  
**RECONVENE: 8:35 P.M.**

Community Development Director de Melo stated that Police Chief DeSmidt met recently with the real estate community to discuss enforcement of the sign ordinance.

Mayor Warden opened the Public Hearing.

**Paul Stewart**, SAMCAR (San Mateo County Association of Realtors), expressed his appreciation for the meeting with Police Chief DeSmidt. He expressed support for the changes proposed in the amended ordinance. He requested that this matter be continued until the full City Council can be present to further consider the issue of right-of-way placement. He noted that some agents have been cited for having signs in the unimproved right-of-way.

**George Burgess**, Belmont Chamber of Commerce, expressed support for the proposed amendments. He stated that there are rights-of-way that could be used for temporary signs without impeding vehicles or pedestrians.

**Janet Pepe Davis**, Belmont real estate agent, stated that an open house is an event in the community. She noted that buyers look for real estate signs. She shared a letter from a resident who is supportive of the use of right-of-way for signs. She expressed the need to attract buyers and keep the real estate market competitive.

**Olivia Edwards**, Belmont resident, cited a non-real estate A-frame sign for an estate sale that was in place for three days. She expressed the need to induce buyers and noted that restrictions could affect property values.

**Adele Della Santina**, Belmont resident, stated that the ordinance is obstructive, and that signs are needed to attract buyers. She noted that real estate signs are placed on a short-term basis and do not obstruct traffic. She explained that directional signs placed on private property other than the home that is for sale can be confusing. She pointed out that exceptions are in place for on-site for-sale signs, and requested the same exception for open houses, garage sales, and other events. She outlined medians located on streets other than Ralston Avenue and El Camino Real that could be made available for signs. She expressed support for reducing the size of the signs if more signs were allowed.

**Mary Morrissey Parden** explained that real estate signs were an issue from the beginning of discussions about the revised sign ordinance. She noted that the Village Zoning allows A-frame signs. She expressed support for placement of real estate signs in the right-of-way that do not impede traffic or pedestrians.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands (3-0, Braunstein, Lieberman absent).

Community Development Director de Melo explained that the Village Zoning has not been formally adopted. He clarified that A-frame signs would be allowed in that zoning district only on private property.

Councilmember Wozniak expressed concern that allowing real estate signs in the right-of-way would also allow other types of signs.

City Attorney Rennie explained that the issue is the regulation of public property, and that the City Council would need to allow any commercial or non-commercial message if real estate signs were to be allowed in the right-of-way. He clarified that the City Council could selectively allow certain rights-of-way but would need to allow all messages. He explained that the Supreme Court has determined that municipalities cannot distinguish between types of messages. He noted that many cities are finding the need to address this issue.

Mayor Warden stated that he does not support continuing this item, as requested by one of the speakers.

Councilmember Wozniak expressed support for increasing the number and size of real estate signs but does not support any other changes. She explained that she does not want to see other signs in the right-of-way.

Councilmember Feierbach suggested that the real estate community be creative on where to place signs. She noted that some violations are still taking place. She would consider allowing signs to be placed in right-of-way that does not impede traffic, and suggested that the City Council consider this in the future.

Mayor Warden stated that it is not his intent to punish the real estate community. He does not support signs in the right-of-way. He expressed support for increasing the number and size of signs, and suggested that the real estate community continue its dialog with the Police Department on this matter.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, and unanimously approved by a show of hands (3-0, Braunstein, Lieberman absent) to introduce an ordinance amending Section 23.09.04(c) of the Belmont Sign Ordinance – Temporary Signs – Real Estate Directional and Open House Signs to provide for four signs with a size of four square feet at five-foot height, and to waive further reading and to set the second reading and adoption for October 9, 2012.

**RECESS: 9:07 P.M.**  
**RECONVENE: 9:10 P.M.**

## **OTHER BUSINESS**

### **Review of Solid Waste Rate Application and Resolution Stating the City of Belmont's Intent to Revise the Maximum Rate that may be Charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2013 and Setting the Date of a Proposition 218 Rate Hearing**

Public Works Director Oskoui stated that tonight's meeting commences the annual solid waste rate setting and Proposition 218 hearing process.

**Tom Gould**, Solid Waste consultant, explained that the franchise agreement with Recology outlines how the rates are established each year. He noted that he reviewed the rate methodology and audited the calculations. He clarified that the City of Belmont must adopt its own rate, and the maximum cannot exceed the vendor's maximum. He stated that the cost components for rates include cost indexing and adjustment for migration. He pointed out that a portion of the cost of migration from the previous year was deferred to this year's rates adjustment.

Mr. Gould noted that the proposed rate increase has been calculated at 14.22 percent. He clarified that those who migrated to a smaller cart size would be paying less than the previous year with the increase. He reviewed the components of the cost adjustment and stated that he

concurs with the proposed rate increase, which is in compliance with the franchise agreement. He noted that there is an impact due to the value and price for recycled paper.

In response to Councilmember Feierbach, Public Works Director Oskoui explained that the Municipal Code requires trash collection, and residents may not permanently discontinue service. He noted that temporary service stoppage is limited to three times per year, but can be adjusted on a case-by-case basis.

Mr. Gould explained that the City can only adopt up to a maximum rate, but can adopt something less. He noted that the difference would need to be made up from another source.

In response to Councilmember Wozinak's inquiry regarding hardship cases, Public Works Director Oskoui stated that a new pay class could be created, but would need to be funded. City Attorney Rennie stated that the rates could be rebalanced to subsidize hardship cases, and other sources of payment could be made from other funds or from grants.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 2012-105 Stating the City of Belmont's Intent to Revise the Maximum Rate that may be Charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2013 and Setting the Date of a Proposition 218 Rate Hearing was unanimously approved by a show of hands (3-0, Braunstein, Lieberman absent).

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

No report.

### **Verbal Report from City Manager**

City Manager Scoles noted that a ribbon cutting was held on September 21<sup>st</sup> for the newly-renovated Cipriani Dog Park. He stated that a City/School District 2+2 meeting would be held in the near future. He announced that Belmont would be hosting the next Council of Cities on September 28<sup>th</sup>. He pointed out that sales tax revenues are improving for the City of Belmont. He noted that an emergency training session was held in conjunction with staff from NDNU (Notre Dame de Namur University). He presented two engineering awards that the City of Belmont received for the Bike/Pedestrian Bridge.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**George Burgess**, Belmont Chamber of Commerce, announced that the next issue of the Chamber's newsletter would feature a new format.

**ADJOURNMENT** at this time being 9:38 P.M.

**Terri Cook, City Clerk**

Meeting audio-recorded and videotaped.